

ORIGINAL

MATSUMOTO, J.

BLOOM, M.J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

WILSON ERIC CUEVAS

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

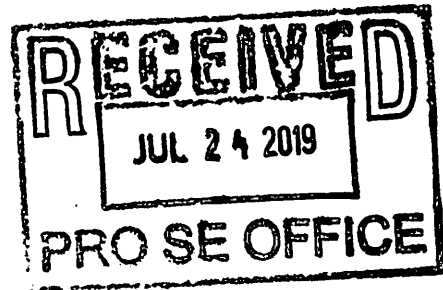
NEW YORK CITY Police Department
73rd PRECINCT DETECTIVE JOHN MILLER
Shield #: 4177 CMD: 295 Brooklyn Borough North,
Unknown Detectives: JOHN DOE, JANE DOE

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil
Rights
(Non-Prisoner Complaint)

Case No. **CV19-4285**
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)



NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Wilson Eric Cuevas Jr.</u>
Street Address	<u>1805 Pitkin Avenue Apartment C4</u>
City and County	<u>Brooklyn (Kings County)</u>
State and Zip Code	<u>New York 11212</u>
Telephone Number	<u>347-471-3883</u>
E-mail Address	<u>WilsonCuevas476@GMail.Com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	<u>John Ulmer (Detective)</u> ^{Shield: 6477}
Job or Title (if known)	<u>Detective Borough Brooklyn North</u>
Street Address	<u>1470 East New York Avenue</u>
City and County	<u>Brooklyn (Kings County)</u>
State and Zip Code	<u>New York 11212</u>
Telephone Number	<u>718-495-5411</u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name

New York City Police Department

Job or Title
(if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address
(if known)

1 Police Plaza / 1470 East New York Ave.
NY, NY / Brooklyn, NY 11212

Defendant No. 3

Name

Detective John Doe / Jane Doe
Detective

Job or Title
(if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address
(if known)

1470 East New York Avenue
Brooklyn (Kings County)
New York 11212
718.495.5411

Defendant No. 4

Name

Detective John Doe / Jane Doe
Detective

Job or Title
(if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address
(if known)

1470 East New York Avenue
Brooklyn (Kings County)
New York 11212
718.495.5411

Defendant NO. 5

Name - Detective John Doe / Jane Doe

Job/Title - Detective

Street Address - 1470 East New York Avenue

City & County - Brooklyn (Kings County)

State & Zip Code - New York, 11212

Telephone Number - 718.495.5411

E Mail Address -

(IF known)

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☒ State or local officials (a § 1983 claim)
☐ Federal officials (a *Bivens* claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

4th Amendment, 5th Amendment and 14th
Amendment of the United States OF
America Constitution.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

4th, 5th and 14th Amendments. My right to be
Free to leave, Unlawful Arrest

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Abused authority where I was arrested for a open bench
warrant in which was a lie due to me going to Court because
I appeared at Queens County and Kings County for Court
See Attached

Continued: 10 days prior on Oct. 17th 2018 in which I was handcuffed, transported to the 73rd Precinct, locked in a cell to never be charged. I was locked in that cell, the interrogation room and escorted in handcuffs in which I was never finger printed for me to have been being arrested for and held against my free will for having a bench warrant. They abused their authority.

Before, during and after the arrest from my apartment building (1805 Pitkin Avenue Brooklyn, NY) I've been telling them they are making a mistake, I went to Court on Oct 17th 2018 and I will sue them, but they did it as a scam to interrogate me without a warrant or an I card. To have grounds, this is the type of behavior NYPD Detectives do. No evidence or probable cause as a result of me being deprived to be free to leave, locked in a cell, put and escorted in handcuffs, property being taken they put me in a line up and charged me with a different crime than having a bench warrant.

They had no probable cause to arrest me on the street period. So they abuse their authority by forcing us to go with them and do what they say. Therefore I was deprived of my 4th, 5th and 14th Amendments.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

1805 Pitkin Avenue Brooklyn, NY 11212 and
1470 East New York Avenue Brooklyn, NY 11212

- B. What date and approximate time did the events giving rise to your claim(s) occur?

Oct. 27, 2018 630 PM - Oct. 28, 2018
11 AM.

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See Attached

Facts: (what happened?) Sometime between 6:45PM - 8:45PM

October 27th, 2018 I was standing outside my building 1805 Pithin Ave when a unmarked car pulled up shouting my name "Wilson", as I started to approach the car a white male says "Remember me" so I say "no", then he starts acting like he's looking in his phone to show me something. It was drizzling so he says lets go over here and get out this rain. As we stand under the store front next to my building I look back to the car to see a black male get out the driver's seat and start to approach from behind. The white male says "Oh, look" to draw my attention to him, so when I turn around I hear the black male say "Put your hands behind your back" my reply was "no, for what" still not sure who they are and whats going on due to them not identifying themselves the black guy says "you have a open bench warrant for missing a Court appearance", I told him "no, I dont" in which I just went to Court on October 17th (10 day before).

See Attached...

II.A. Injuries. If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

Emotional distress, Aggravated damages, General damages and Grievous bodily harm.

Continuation: Facts: (What Happened?)

So the black male handcuffs me, then placed in the car by both the black and white males. After 5 minutes of them driving we pull into the 73rd Precinct parking lot where there are plain clothes officers / Detectives waiting outside when we pull to the ramp entrance to the precinct. Then I am escorted to the wall across from the pedigree desk in handcuffs still where I am searched. Instantly after I am locked into a cell. 10 minutes later a uniformed officer handcuffs me, then escorts me to the detectives Squad upstairs where I am locked in a interrogation room. I get interrogated by John Ulmer Shield-6477, after several attempts he gets no confession he says "Okay, have it your way" leaves then come back and searches my property again. Then says "You have anybody to pick up your property" after speaking with my father about my property they put me in a lineup. I was put in a line up on 10/27/18 before 12 AM, but Det. John Ulmer documented the line up on 10/28/18 at 10 AM. None of the fillers fit my description. After my property is picked up and the line up, I am put in a cell until the next morning. They never had a warrant for my arrest, I was not only escorted around the precinct in handcuffs, searched and held in a cell against my free will. Therefore in my view the arrest was intrusive, The seizure was illegal and the consent to search was invalid. I was locked in a cell and was never released from 8 PM Oct. 27 2018 until 8 AM Oct. 28, 2018 in which I was not free to leave.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Emotional Distress, Aggravated Damages,
General Damages and Grievous Bodily Harm

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Monetary remedy to Compensate for
My pain and Suffering.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: July 24th, 2019.

Signature of Plaintiff Wilson E. Cuevas

Printed Name of Plaintiff Wilson Eric Cuevas